IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.327 OF 2005
IN
SUMMARY SUIT NO.1356 OF 2004

Synco Industries Ltd. ..Plaintiff

Vs.

Ahmed Oomerbhoy and Ors. ..Defendants

Mr.P.N.Ganwani i/b Zohair and Co. for the plaintiff

Mr.A.N.Maniyar for defendant no.3

Mr.Sunil Pereira i/b Legal Associates for defendant no.7

CORAM : S.U.KAMDAR, J
DATED : 24TH JANUARY, 2006

P.C.:

1. In the present case, admittedly 80% of the claim amount in respect of suit transaction is already been received. Suit is filed for balance 20% and further interest amount thereon. In the present case, Chartered Accountant was appointed, pursuant to order passed by this court in dissolution suit of the firm of the defendant no.1. Chartered Accountant has opined that 20% is required to be retained for statutory liability and can be paid over only after accounts are settled.

In the light of the report of the Chartered Accountant, it is not possible to grant any order in the present Summons for Judgment. Summons for Judgment is accordingly dismissed. Unconditional leave to defend is granted.

2. Suit to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.